

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 1-11 and 13-26 are pending, of which claims 1-11 and 16 are withdrawn. By this amendment claim 13 is amended to set forth that the electrically conductive metallic material which is deposited on the active material particles and is **continuously** filled between the active material particles over the entire thickness direction of the active material layer. This is supported at Figures 8, 10 and 11 of the specification.

No new matter is believed to be added to the application by this amendment.

Entry of this amendment is respectfully requested because it raises no new issues (the rejections having previously have been of record) and places the application in condition for allowance.

Claim Rejection Under 35 U.S.C. § 102

Claims 13, 14 and 17-27 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,051,340 to Kawakami et al. ("Kawakami").

Applicants respectfully traverse.

At page 3 the Office Action refers to Figures 4(a) to 4(d) of Kawakami, which are reproduced below.

FIG. 4(a)



FIG. 4(b)

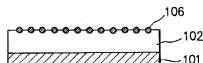


FIG. 4(c)

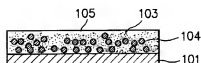
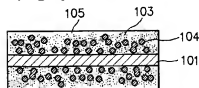


FIG. 4(d)



Based on these drawing figures, the Office Action at page 3 compared the present invention and Kawakami, asserting that the powdery material containing a non-alloyable metal and non metal taught in Kawakami is the same as an electrically conductive metallic material which is deposited on the active material particles of the present invention.

However, the present invention differs from Kawakami in that the metallic material utilized in the present invention is not powdery material. This is clear in light of instant claim 13, which sets forth: *"the active material layer further contains an electrically conductive metallic material*

*which is deposited on the active material particles and is **continuously** filled between the active material particles over the entire thickness direction of the active material layer."*

By this, it is clear that the metallic material utilized in the present invention is not powdery material.

Clearly, the metallic material deposited on the surface of the active material particles by electroplating constructs a continuous and integrated three-dimensional network over the active material layer, which is fundamentally different from powdery material. The powdery material used in Kawakami merely forms discrete structures. The difference from Figures 4(a)-4(d) of Kawakami (reproduced above) are clear in light of the electron photomicrographs of Figures 8, 10 and 11 of the present invention, which are reproduced below.

Fig. 8



Fig. 10

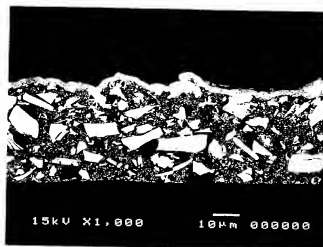
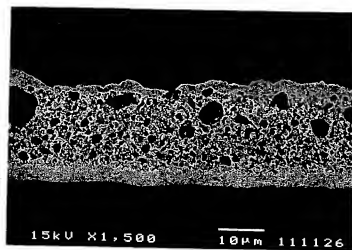


Fig. 11



Other distinctions of the present invention over Kawakami were set forth in the previous response which, for brevity, are not repeated here.

Kawakami thus does not set forth each and every element of claim 13 of the present invention. Kawakami accordingly does

not anticipate claim 13 of the present invention. Claims depending upon claim 13 are patentable over Kawakami for at least the above reasons.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Claim Rejection Under 35 U.S.C. § 103

Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Kawakami in view of U.S. Patent No. 5,147,739 to Beard. This rejection is respectfully traversed.

The Office Action admits that Kawakami is silent towards a metallic lithium layer being provided between the conductive foil and the active material layer. The Office Action relies on Beard in an attempt to cure the admitted deficiencies of Kawakami.

However, Beard does not address the deficiencies of Kawakami discussed above. Additional deficiencies of Beard were set forth in the previous response, which for brevity, are not repeated here.

One of ordinary skill and creativity would thus not produce claim 15 of the present invention from a knowledge of Kawakami and Beard. A *prima facie* case of unpatentability has thus not been made.

This rejection is believed to be overcome, and withdrawal thereof is respectfully requested.

Conclusion

The rejections are believed to be overcome, obviate or rendered moot. As no issues remain, the issuance of a Notice of Allowability is respectfully solicited.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Gozner/
Robert E. Gozner, Reg. No. 42,593
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REG/lrs